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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2009-306

**KAY SUZANNE ARCHEVALD aka
KAY B. ARCHEVALD**
805 Saltmeadow Bay Arch, Unit 404
Virginia Beach, Virginia 23451

A C C U S A T I O N

Registered Nurse License No. 732670

Respondent.

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

License History

2. On or about July 25, 2008, the Board issued Registered Nurse License Number 732670 ("license") to Kay Suzanne Archevald, also known as Kay B. Archevald ("Respondent"). The license will expire on June 30, 2010, unless renewed.

STATUTORY PROVISIONS

3. Section 2750 of the Business and Professions ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a

temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

4. Code section 2764, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

5. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

COST RECOVERY

7. Code section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CAUSE FOR DISCIPLINE

(Out-of-State Discipline)

8. Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct, in that Respondent was disciplined by the State of Virginia Board of Nursing ("Virginia Board"), in the case entitled, *In re: Kay B. Archevald*, as follows:

1 a. Effective September 12, 2008, pursuant to the Virginia Board's Order of
2 Summary Suspension, the Virginia Board suspended Respondent's Registered Nurse License
3 No. 001-096110. The action was based upon allegations in that between December 17, 2007,
4 and July 17, 2008, during the course of her employment with Chesapeake Regional Medical
5 Center, Respondent diverted Demerol, a Schedule II controlled substance, from hospital supplies
6 for her own personal use, and was thereby deemed to be a substantial danger to the public health
7 and or safety. A copy of the Virginia Board's Order of Summary Suspension is attached as
8 Exhibit A, and is incorporated herein.


9 b. Effective October 31, 2008, pursuant to the Virginia Board's Consent
10 Order, the Virginia Board suspended Respondent's Registered Nurse License No. 001-096110
11 indefinitely. A copy of the Virginia Board's Consent Order is attached as Exhibit B, and is
12 incorporated herein.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 16 1. Revoking or suspending Registered Nurse License Number 732670 issued
17 to Kay Suzanne Archevald, also known as Kay B. Archevald;
18 2. Ordering Kay Suzanne Archevald, also known as Kay B. Archevald to pay
19 the Board the reasonable costs of the investigation and enforcement of this case, pursuant to
20 Code section 125.3; and
21 3. Taking such other and further action as deemed necessary and proper.

22 DATED: 5/28/09

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25 RUTH ANN TERRY, M.P.H., R.N.
26 Executive Officer
27 Board of Registered Nursing
28 Department of Consumer Affairs
State of California
Complainant